

S/N 08/879,070



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	JOHNSON ET AL.	Examiner:	E. CIVAN
Serial No.:	08/879,070	Group Art Unit:	2761
Filed:	JUNE 19, 1997	Docket No.:	7709.130US01
Title:	INVENTORY SALES SYSTEM AND METHOD		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on May 10, 1999.

By:

Kristine A. Wacek
Name: *Kristine A. Wacek*

DECLARATION UNDER 37 CFR § 1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Dale A. Mehr, declare and state the following:

1. I am a co-inventor of the subject matter of the above-identified patent application while employed for CWC, Inc., which is now known as Firepond, Inc.
2. I understand that the Examiner has cited Dialog publication regarding Winning Technologies as prior art is support of the rejection of all of the claims in the above-identified patent application. I understand that the Dialog publication contains an article from INDUSTRY WEEK dated December 16, 1996.
3. I further understand that the original filing date of my present patent application Serial No. 08/879,070 is June 19, 1997.
4. I state that before the publication date of the Winning Technologies article, that is before December 16, 1996, I invented the subject matter described and claimed in the patent application identified above.
5. I further state that before the publication date of the Winning Technologies article, that is before December 16, 1996, I disclosed the subject matter described and claimed in the

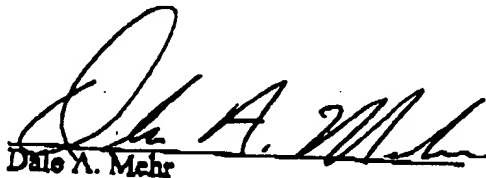
patent application identified above to my patent counsel in preparation of the filing of the above-identified patent application. As part of this preparation and that before the publication date of the Winning Technologies article, that is before December 16, 1996, my patent counsel provided for my review a set of draft claims which substantially correspond to the claims now pending in the above-identified patent application.

6. I understand that the Examiner has cited U.S. Patent No. 5,825,651 to Gupta et al. (the '651 patent) as prior art in prosecution of the application identified above. I understand that the '651 patent was filed in the United States on September 3, 1996.

7. I state that before the U.S. filing date of the '651 patent, that is before September 3, 1996, I invented the subject matter described and claimed in the patent application identified above.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date: 5/16/99


Dale A. Mehr